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August 31, 2023

VIA CM/ECF & HAND DELIVERY

The Honorable Jennifer L. Hall
J. Caleb Boggs Federal Building
844 N. King Street – Unit 28
Room 3124
Wilmington, DE 19801-3555

Re: *Apple Inc. v. Masimo Corporation, et al.*
C.A. Nos. 22-1377 & 22-1378 (MN) (JLH)

Dear Judge Hall:

I write on behalf of all parties concerning the Claim Construction hearing scheduled to take place in the above-captioned matters on September 14, 2023 at 10 a.m. In accordance with Paragraph 13 of the Scheduling Order (D.I. 103 in -1377; D.I. 92 in -1378), the parties hereby notify the Court that neither party requests leave to present testimony at the hearing. Further, the parties jointly request that three hours be reserved for the Claim Construction hearing, to be split equally between the two sides. The parties understand that additional time will be used after the conclusion of the Claim Construction hearing to hear the discovery disputes referenced in the Court's Oral Order of August 28, 2023 (D.I. 251 in -1377).

Counsel are available at the Court's convenience should Your Honor wish to discuss.

Respectfully,

/s/ John C. Phillips, Jr.

John C. Phillips, Jr. (No. 110)

cc: All Counsel of Record (via CM/ECF and email)